

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE LICENSE OF : STATE BOARD OF EXAMINERS
PAMELA SINCOCK : ORDER OF REVOCATION

DOCKET NO. 276-02/95-124

At its meeting of February 23, 1995, the State Board of Examiners reviewed the Judgment of Conviction submitted by the State Operated School District of Paterson indicating that on October 21, 1994 Pamela Sincock pled guilty to charges of possession of a controlled dangerous substance within 1,000 feet of a school zone. She was sentenced to three (3) years' probation with a condition of probation being that she serve 364 days in the Essex County Jail. Respondent currently holds a Teacher of Elementary School license in New Jersey.

At that meeting the State Board of Examiners voted to issue an Order to Show Cause to Respondent. It was mailed by regular and certified mail on March 9, 1995. On March 31, 1995 an Answer to the Order to Show Cause was received from Respondent.

In the interim, the State Board of Education decided two cases which impacted on the hearing process conducted by the State Board of Examiners. The first case is captioned, In the Matter of the Revocation of the Teaching Certificate of Philip Sheridan by the State Board of Examiners, Dkt No 185-4/92-07, decided by the State Board of Examiners July 6, 1992, rev'd, and remanded, State Board of Education, September 7, 1994, Decision on Remand, June 15, 1995. The other is captioned, In the Matter of the Revocation of the Teaching Certificate of Charles Vitola by the State Board of Examiners, Dkt. No. 178-12/91-08, decided by the State Board of Examiners July 16, 1992, rev'd and remanded, State Board of Ed., November 2, 1994, Decision on Remand, September 1, 1995. Within these two decisions, the State Board of Education determined that the State Board of Examiners was required to amend its regulations in order to permit it to hear directly legal matters in which material

facts are not in dispute. During the pendency of the revisions to the State Board of Examiner's regulations regarding its hearing process, all such hearings were held in abeyance. Said regulatory amendments were finally codified in May of 1997.

On July 1, 1997, a hearing notice was mailed by regular and certified mail to Respondent pursuant to N.J.A.C. 6:11-3.6(a)1. Said notice explained that, it appearing that no material facts were in dispute, Respondent was provided an opportunity to offer legal argument on the issue of whether her conviction constituted conduct unbecoming a teacher. Both copies were returned indicating that the forwarding order had expired. On July 10, 1997, New Jersey Motor Vehicle Services was asked to provided a current address for Respondent.

On August 29, 1997 the hearing notice was mailed to the address provided by Motor Vehicle Services. Both copies were returned indicating that the addressee was unknown. Although aware that the State Board of Examiners had initiated charges against her that could have serious consequences for her ability to seek employment as a teacher, she failed to advise the Board of her current address. She has therefore, waived her right to participate in the hearing process. Thus, the State Board of Examiners will consider Respondent's Answer to the Order to Show Cause as her sole submission to counter the charges brought against her.

Respondent's Answer to the Order to Show Cause admits that she pled guilty to the above-stated offense, and that she has an addiction for which she is currently receiving help. As for the charge of being within 1,000 feet of a school zone, she states the incident happened on a Friday night, she was in her apartment, and school was closed for the weekend. She submits she is working hard to treat her addiction and moving toward recovery. She claims she is an excellent teacher and that she desperately wants to educate children in the dangers of drug use. She submits she can only achieve

this with her elementary education license and asks that the State Board of Examiners consider this before making its decision.

At its meeting of November 20, 1997, the State Board of Examiners reviewed the charges against Respondent as well as her response to the Order to Show Cause. After review of her response, the State Board of Examiners determined that no material facts related to her drug offense were in contest. Respondent did not deny that she has a conviction for illegal drug use. The matter could, therefore, proceed to a determination as to whether the charges levied against her in the Order to Show Cause constitute conduct unbecoming a license holder pursuant to N.J.A.C. 6:11-3.6(a)1.

The State Board of Examiners first noted that the instant hearing is not one which considers evidence of rehabilitation. See, In the Matter of the Revocation of the Teaching Certificate of Gloria Jackson by the State Board of Examiners, decided by the State Board of Examiners March 28, 1996, aff'd State Board of Education September 6, 1996, aff'd App. Div. September 9, 1997. Therein, the State Board of Examiners held:

Neither does the language of this regulation [N.J.A.C. 6:11-3.6] support Petitioner's apparent contention that "new findings" includes evidence of rehabilitation or current ability to teach. See, e.g., In the Matter of the Revocation of the Teaching Certificate of James Noll by the State Board of Examiners, decided by the State Board of Examiners, February 7, 1990, citing Cox v. State Bd. of Examiners (App. Div. Docket No. A-3527-81T3)(November 18, 1983). Therein, it was determined that the purpose of the hearings conducted by the State Board of Examiners pursuant to N.J.A.C. 6:11-3.7(b)ii (now, N.J.A.C. 6:11-3.6(a)1) is 'to permit the individual certificate holder to demonstrate circumstances or facts to counter the charges set forth the Order to Show Cause, not to afford an opportunity to show rehabilitation. (Id. at p. 4)

Hence, the State Board of Examiners did not consider Ms. Sincock's statements concerning her alleged rehabilitation, but instead focused on assessing whether the criminal charge constitutes conduct unbecoming a license holder.

In this regard, school law cases have traditionally recognized the right of the State Board of Examiners to revoke licenses where the teacher was involved in criminal activities, even if said

activities were not related to the classroom, see Cox v. State Board of Examiners (App. Div. Docket No. A-3527-81T3) (November 18, 1983); State Board of Examiners v. Krupp, 3 N.J.A.R. 285 (1981). The use of drugs and the possession of drugs are inconsistent with the State's policy to eliminate drug abuse in the schools, In the Matter of the Tenure Hearing of David Earl Humphreys, 1978 S.L.D. 689. Misuse of dangerous drugs by students themselves, or by the role models to whom students look for guidance, will not be tolerated under any circumstances. In the Matter of the Certificate of Barbara Corwick, OAL Docket No. EDE 3562-87, State Board of Examiners decision (March 24, 1988).

Accordingly, in light of this State's strong policy opposing the use of illegal drugs, the State Board of Examiners finds Respondent's conviction conduct unbecoming a license holder. The appropriate penalty for her unbecoming conduct is the revocation of Respondent's licensure.

It is, therefore ORDERED that Pamela Sincock's Teacher of Elementary School license be revoked on this 20th day of November, 1997.

It is further ORDERED that Pamela Sincock return her license to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-050 within fourteen (14) days of receipt of this letter.

Secretary
State Board of Examiners

Date of Mailing: February 10, 1998

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

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